

2853

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**FACSIMILE TRANSMISSION**

**DATE:** September 19, 2002

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**TO:** EXAMINER LEONARD LIANG

SEP 19 2002

**FACSIMILE NO.:** 703/308-7724

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**FROM:** John G. Posa

**PAGES TRANSMITTED (INCLUDING COVER SHEET):** 6

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**RE:** SN 09/900,787

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**CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)**Applicant(s): **Levine**

Docket No.

**MLE-10502/29**

Serial No.

**09/900,787**

Filing Date

**July 6, 2001**

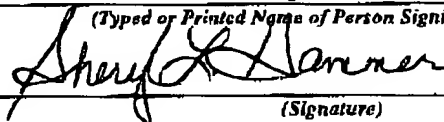
Examiner

**L. Liang**

Group Art Unit

**2853**Invention: **CHART RECORDER PROGRAMMING INTERFACE**

I hereby certify that this

**Response to Office Action***(Identify type of correspondence)*is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. **703/308-7724**)on **September 19, 2002***(Date)***Sheryl L. Hammer***(Typed or Printed Name of Person Signing Certificate)**(Signature)***FAX COPY RECEIVED****SEP 19 2002**

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#57 Response  
ARL  
9/24/02

In re application of: Levine

Serial No.: 09/900,787

Group No.: 2853

Filed: July 6, 2001

Examiner: Leonard Liang

For: CHART RECORDER PROGRAMMING INTERFACE

RESPONSE TO OFFICE ACTION

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Assistant Commissioner for Patents  
Washington, D.C. 20231

SEP 19 2002

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Dear Sir:

In response to the Office Action mailed June 19, 2002, the Examiner's attention is directed to the following remarks.

Applicant is resubmitting the claims of this application in unamended form for reconsideration in light of the following remarks.

Claims 1-8 and 11-14 stand rejected under 35 U.S.C. §102(b) over Levine (U.S. Patent No. 5,978,000 -- the same inventor). It is noted that although claims 1-8 and 11-14 were considered "anticipated" only the rejection of claims 1 and 11 are considered in any detail. Even so, the rejection of claims 1 and 11 are clearly improper.

Claim 1, a method claim, includes the steps of "providing a surface including options relating to the programming of the instrument." With respect to this limitation, the Examiner refers to Figure 1, reference numerals 102, 106 and 110, which are simply the chart itself with intersecting lines printed thereon. These have nothing to do with the programming of the instrument, but rather, something at the instrument, once programmed, overwrites. Anticipation is precluded for this reason alone.

Continuing, however, claim 1 further includes the limitation of "storing information relating to